

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
NW/Corner Dogwood Road, 170' * DEPUTY ZONING COMMISSIONER
NW of Wrights Mill Road * OF BALTIMORE COUNTY
2nd Election District *
1st Councilmanic District * Case No. 91-7-SPH
Alan Shechter, et al *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the removal of a special exception previously granted in Case No. 5081-XA to permit the use of the property as a cemetery, in accordance with Petitioner's Exhibit 1.

The Petitioners, Alan Shechter, Legal Owner, and Steven S. Koren, President, Koren Realty Corporation, Contract Purchaser, appeared, testified and were represented by Robert A. Hoffman, Esquire. Also appearing on behalf of the Petition were C. Wayne Caples, Project Manager for Koren Realty Corporation, and David S. Thaler, Engineer with D. S. Thaler and Associates, Inc. Appearing as Interested Parties were Deborah Stein, Erich March, Robert Hocutt, President, Greater Patapasco Community Association, Mary Lou Butler, and Linwood Johnson with the Office of Planning. Phyllis Friedman, Esquire also appeared on behalf of the People's Counsel for Baltimore County. There were no Protestants.

Testimony indicated that the subject property, located on Dogwood Road between Kratz Lane and Wrights Mill Road, consists of 169 acres more or less zoned R.C. 3 and is presently unimproved. Said property, formerly known as Green Sanctuary Memorial Park Cemetery, was the subject matter of previous Case No. 5081-X wherein Petitioners were granted a special exception to use the property as a cemetery on November 17, 1960. Thereafter,

in approximately 1973, 50 acres were sold to the March family to establish the existing cemetery, known as King Memorial Park. Testimony indicated that by letter dated October 14, 1983, Mr. Shechter requested the Zoning Office verify that the special exception granted the entire site in 1960 would not be affected by the sale of the 50-acre tract and indicated the remaining 169 acres had been and would continue to be used as a cemetery. Mr. Shechter testified he was later advised that the remaining 169 acres had not been used as a cemetery, and subsequently wrote the Zoning Office on July 12, 1984 that although original plans called for such use, no burials on the 169-acre tract ever took place. Testimony indicated that in fact, only one burial was made on the site and that said burial was located within the 50-acre tract sold to King Memorial Park. Mr. Shechter testified that inasmuch as only one burial was required to establish the special exception use previously granted the entire 219 acres, the special exception use on the 50-acre tract would remain in tact and not adversely affect the proposed use of the 169 acres. Petitioners are desirous of removing the special exception on the subject 169 acres to permit the development of single family dwelling units thereon, in accordance with Petitioner's Exhibit 5.

Mr. Koren testified that his firm obtained preliminary CRG approval for the proposed development pending removal of the special exception on the 169 acres. Testimony indicated the conflicting correspondence set forth above surfaced during the pre-CRG hearing at which time Mr. Koren asked Mr. Shechter to confirm the proposed development of the 169 acres would be a valid use. Mr. Koren testified his company has performed a variety of percolation tests and on-site inspections, and, finding no physical evidence, have determined that there are no burial sites on the

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By [Signature]

subject property. Testimony indicated that, in fact, the percolation tests were done prior to Petitioners being made aware of the possibility that burial sites might exist on the property. Mr. Koren further testified that other efforts to verify there were no burials on the property included a records search which revealed no permits were ever issued for burials on the site. Based upon there being no permits, and the results of their field inspections and percolation tests, Mr. Koren concluded the 169 acres were not used as a cemetery.

Mr. Caples testified that he became aware of conflicting correspondence at the pre-CRG hearing. Testimony indicated that following a site visit to the property during which a 4-wheel drive vehicle was used to inspect the site, it was Mr. Caples' opinion that given the topography of the land, existing trees and overgrowth on the property, it was highly unlikely that any burial sites existed on the property.

Mr. Thaler testified that his firm was hired to assist Petitioner in planning the housing development. Testimony indicated that he completed a title search of the entire 219-acre tract during which he found no record of any sale of grave sites from the subject 169 acres. Further, he testified that he had been all over the property and found no shred of evidence that any grave sites existed. Mr. Thaler testified that percolation tests were conducted over the entire 169 acres and that in his opinion, the subject property has not been used as a cemetery.

Mary Lou Dorsey-Butler appeared and testified as an Interested Party. She testified that she had been made aware of the instant case by Linwood Johnson, a representative of the Office of Planning, who had been actively working on historic African communities. Ms. Butler indicated she was concerned that the proposed development might disturb existing

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unmarked burial sites on the property, which was originally owned by the Worthington family who owned approximately 1200 slaves. Testimony indicated that a recent family reunion resulted in a search of the family's history which revealed the possibility that the remains of some of her ancestors might be buried on the subject site. Ms. Dorsey was unable to produce any substantive evidence of any burials on the property.

Linwood Johnson testified on behalf of the Office of Planning and Ms. Butler. He testified that his work on historic African communities has made him knowledgeable about traditional black settlements in Baltimore County. Mr. Johnson indicated that when he read an account of Ms. Butler's family reunion in the Baltimore Sun, he made a mental connection between the Dorseys in Randallstown and the Dorsey slaves owned by the Worthington family. He testified that he and other representatives from the Planning Office have walked the subject property and while they made no discoveries, found the subject site is located adjacent to the Kahler farm on which the remains of the Worthington family are buried. Mr. Johnson and Ms. Butler asked that Petitioners proceed with the proposed development with caution.

Erich March, an interested party, testified that as to his concerns that the removal of the special exception as requested would not adversely affect the continued use of the 50-acre tract as a cemetery.

The hearing was continued to allow Petitioners additional time to supplement the record regarding the original special exception as to whether or not the 169 acres had been used as a cemetery.

At the hearing held on November 30, 1990, Petitioners called Susan Farinetti and William Ensor, Jr., both Sanitarians with the Baltimore County Department of Environmental Protection and Resource Management (DEPREM). Testimony presented indicated they both had been present at

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various times of percolation tests and that neither saw any evidence of any burials on the subject 169 acres. Thereafter, Petitioner called Joseph W. Hopkins, III, holding both an M.A. and a Ph.D. in Anthropology from the University of Chicago. The educational qualifications of Dr. Hopkins were not disputed by anyone appearing at the hearing. Testimony indicated that Dr. Hopkins' investigation included an extensive field inspection of the subject property, background research into historic records and maps for evidence of historic cemeteries in the vicinity of the subject site, and archeological investigations made at locations of burials reported by Petitioner as having occurred between 1961 and 1983 on the property. His findings are contained in a report dated November 27, 1990 to Stephen S. Koren, identified as Petitioner's Exhibit 7. As a result of his extensive investigation, it was Dr. Hopkins opinion that there had been no burials made on the subject 169 acres.

Before closing their case, Petitioners introduced Petitioner's Exhibit 8, the affidavit of William S. March, President of King Memorial Park. Mr. March was unable to appear at the second hearing as he was out of town. His affidavit indicated that King Memorial Park, Inc. purchased the 50 acres of land on which it exists in June, 1976, that Mr. March has been actively and continuously involved in the business of selling burial lots and performing burials at King Memorial Park since 1973, and at no time has King Memorial Park made any burials outside of the 50 acre tract depicted on Petitioner's Exhibit 1. Further, his affidavit indicated that Mr. March was not aware of any burials by any other persons on land bordering King Memorial Park since their purchase of the 50 acres.

After due consideration of the testimony and evidence presented, it appears that the special hearing to remove the special exception for

use of the subject 169 acres as a cemetery, in accordance with Petitioner's Exhibit 1, should be granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of January, 1991 that the Petition for Special Hering to remove the special exception for use of the subject 169 acres as a cemetery, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

ANN:bjs

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By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 14, 1991

Robert A. Hoffman, Esquire
210 Allegheny Avenue, Suite 700
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
NW/Corner Dogwood Road, 170' NW of Wrights Mill Road
2nd Election District - 1st Councilmanic District
Alan Shechter, et al - Petitioners
Case No. 91-7-SPH

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

[Signature]
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

cc: Mr. Erich March
5719 York Road, Baltimore, Md. 21212

Ms. Deborah Stein
4832 Carmine Avenue, Baltimore, Md. 21207

Mr. Robert Hocutt, President
Greater Patapasco Community Association
2615 Ridge Road, Baltimore, Md. 21207

Ms. Mary Lou Dorsey-Butler
1701 1/2 N. Ellamont Street, Apt. 10, Baltimore, Md. 21216

People's Counsel
File

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Date 1/14/91
By [Signature]

PETITION FOR SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-7-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

the removal of the Special Exception allowing the use of the property as a cemetery.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Koren Realty Corporation (Type or Print Name) [Signature] Signature Steven Koren, President One Center Park Drive, Suite 207 Columbia, Maryland 21045 City and State	Legal Owner(s): Alan Shechter, et al. (Type or Print Name) [Signature] Signature (Type or Print Name) Signature
Attorney for Petitioner: Robert A. Hoffman [Signature] 210 Allegheny Avenue Towson, Maryland 21204 City and State	2303 North Charles Street Baltimore, Maryland 21208 City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted Robert A. Hoffman Name 210 Allegheny Avenue Towson, Maryland 21204 Address Attorney's Telephone No.: 823-4111 Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of January, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 109 County Office Building in Towson, Baltimore County, on the 5th day of February, 1991, at 2 o'clock P.M.

[Signature]
Zoning Commissioner of Baltimore County

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REGULATED LENGTH OF HEARING - 1/2 HR.
AVAILABLE FOR HEARING - MON. - WED. - NEXT TWO MONTHS
REVIEWED BY: [Signature] DATE: 1/14/91

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By [Signature]

LEGEND

- EXISTING**
- Existing Contour
 - Existing Road
 - Tract Boundary
 - Existing Line
 - Slopes > 25%
 - Auto-type - see map
 - Settlement & matted
 - Existing Tree Line
 - Existing Fence

PROPOSED

- Street Drain, Inlet & Manhole
- Street Limits
- Proposed Contours
- # Average Only Trips
- Plum Envelope / Lot Number
- Grade Per Cent
- Graded Per Cent
- Setback Easement
- Well Envelope
- Parcel A Footprint

91-7-SPH

R.C.3

MATCHLINE
SEE SHEET 1 OF 2

LIMIT OF PARCEL SUBJECT TO PETITION FOR REMOVAL OF SPECIAL EXCEPTION

PLAT A ZONING HISTORY
SHOWING PART OF PARCEL SUBJECT TO BE CHANGED TO R.C.3-X

KALLER FAMILY LTD. PARTNERSHIP
5712/647 AGRICULTURE

EVERETT MARY
11/17/75 AGRICULTURE

PERHARD + SODETE TRADING CO.
501/600 RESIDENTIAL

3 LANE (PRIVATE ROAD)

PARCEL A
RESERVED FOR FUTURE USE
IN THIS SECTION

LIMIT OF PARCEL SUBJECT TO PETITION FOR REMOVAL OF SPECIAL EXCEPTION

LONG MEMORIAL PARK, INC.
PLAT 1181
10 AC ± CEMETERY

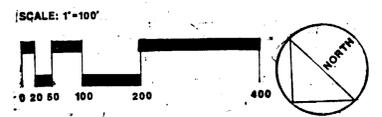
PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING TO REMOVE SPECIAL EXCEPTION FOR CEMETARY

CASE NUMBER 5081-X OCTOBER 31, 1990

EXHIBIT PREPARED BY:
D.S. THALER & ASSOCIATES, INC.
ONE ENGINEER/LANDSCAPE ARCHITECTS SURVEYORS/LAND PLANNERS
715 AMBASSADOR ROAD
BALTIMORE, MARYLAND 21207
(301) 944-ENR (301) 944-3847

DATE: 04-11-90

SHEET 2 OF 2

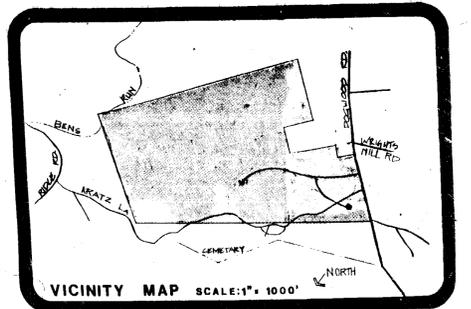


ZONING NOTES:

- EXISTING ZONING CASE # 100-1-1 (10/18/88) COVERED ZONING APPEAL TO CHANGE THE ZONING FROM R.C.3 TO R.C.3-X FOR CEMETERY PURPOSES.
- THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN BOUND BY THE ZONING CASE # 100-1-1. THE OWNER HAS CHALLENGED THAT TO THAT OF THE ZONING AREA OF THE PROPERTY AS SHOWN ON THE PLAN FOR BUREAU OF ZONING, RESERVED OR REPRESENTED AS PROPERTY OR MADE TO SUPPORT ANY OTHER SUBSTANCE. ALSO, THE OWNER HAS CHALLENGED [IN THE NAME OF HIS OWNERSHIP] THAT THIS ZONING HAS A CURRENT USE THROUGHOUT ON THE PROPERTY FOR ANY OTHER USE. THIS ZONING CASE # 100-1-1 (10/18/88).
- PARCEL A DENSITY NOTES:
PER SECTION 100-1-3 (R.C.3), FUTURE DEVELOPMENT IN DENSELY COMPACTED TRACTS SHALL BE PLANNED BY RESERVING HILLSIDE TRACTS UNTIL PUBLIC UTILITIES ARE EXTENDED TO THIS AREA AND INCLUDING THE PROPERTY TRACTS THAT ARE IN A MAJOR DEVELOPMENT INTO THE HILLSIDE CEMETERY PLANNED DEVELOPMENT PLAN ON THE 'RESERVED' PART OF THE PROPERTY (1/17/88). ALL NOT CONTAIN WITH THE ZONING CASE # 100-1-1 (10/18/88) NOTES SHALL APPLY TO THE SUBSEQUENT DEVELOPMENT OF THE SITE (A/1/88).

R.C.3
R.C.2

R.C.2
R.C.3



91-7-SPH

LIMIT OF PARCEL SUBJECT TO PETITION FOR REMOVAL OF SPECIAL EXCEPTION

MATCHLINE
SEE SHEET 2 OF 2

PART OF PARCEL 'A'
11.5 AC ±
'RESIDUAL'

PART OF PARCEL 'A'
4.0 AC ±
'RESIDUAL'

FLOODPLAIN WETLANDS TO BE DEDICATED TO BATHING COUNTY
100 YEAR FLOODPLAIN
STREAM BUFFER

R.C.3
R.C.5

R.C.5
R.C.2

LIMIT OF PARCEL SUBJECT TO PETITION FOR REMOVAL OF SPECIAL EXCEPTION

NOTES:

SECTION PROPERTY
COUNTY COUNCIL DISTRICT: 2
DATE: APRIL 11, 1990
SCALE: 1" = 100'
ZONING: R.C.3
EXISTING USE: Agricultural
INTENDED USE: Residential
UTILITIES: There is no public water or public sewer on or adjacent to the site.
EXISTING AND PROPOSED: All roads are to be public. Roads and widening and R.O.W. are shown on the plan.

DENSITY CALCULATIONS:
ALLOWED: 100/14 AC X .30 = 4.84
PROPOSED: 14 SINGLE FAMILY LOTS AND PARCEL 'A'
ALL PROPOSED LOTS FOR SALE
14 SINGLE FAMILY LOTS ARE SUFFICIENT BY 46 STAC
PARCEL 'A' HAS 11.5 AC ± RESERVED FOR FUTURE USE
TOTAL AGRICULTURE: 100/14 AC ± (INCLUDING 11.5 AC ± OF 1/2 OF THE DEPOSITED ROAD 60' R.O.W.)
TOTAL: 11.5 AC ± (INCLUDING 11.5 AC ± OF 1/2 OF THE DEPOSITED ROAD 60' R.O.W.)

LOCATION: Lying northeast of Deposed Road near its intersection with Wright's Hill Road.

BUILDING SETBACKS: Front yard 50' to R.O.W. (or 75' to center line of road)
Side yard 25' to property line
Rear yard 50' to property line

PARKING: Required: 14 lots x 2 spaces each = 28 spaces (including 28 spaces)
PUBLIC SERVICES CNO NUMBER: 8095

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING TO REMOVE SPECIAL EXCEPTION FOR CEMETARY

CASE NUMBER 5081-X OCTOBER 31, 1990

EXHIBIT PREPARED BY:
D.S. THALER & ASSOCIATES, INC.
ONE ENGINEER/LANDSCAPE ARCHITECTS SURVEYORS/LAND PLANNERS
715 AMBASSADOR ROAD
BALTIMORE, MARYLAND 21207
(301) 944-ENR (301) 944-3847

DATE: 04-11-90



PETITIONER'S EXHIBIT

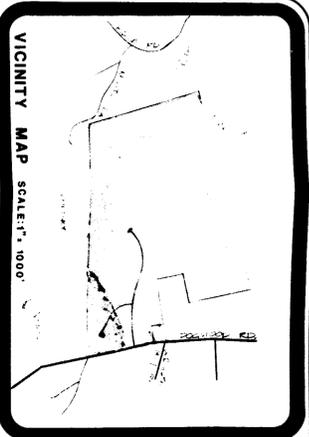
SHEET 1 OF 2



CLASS	HEIGHT	AREA	SETBACKS	OTHER	REMARKS
Residential	35'	10,000 sq. ft.	10' front, 5' side, 5' rear	None	See zoning notes
Commercial	40'	15,000 sq. ft.	15' front, 10' side, 10' rear	None	See zoning notes
Industrial	50'	20,000 sq. ft.	20' front, 15' side, 15' rear	None	See zoning notes

NOTE A THE DEVELOPER INTENDS TO FURNISH EVIDENCE THAT THE PROPERTY IS CAPABLE OF BEING USED AS SHOWN ON THIS PLAN AT THE TIME OF REDEMPTION.

ZONING NOTES:
 1. SPECIAL EXCEPTION CASE #101-1-10-140 GRANTED ZONING APPROVAL TO UTILIZE THE ENTIRE SITE SHOWN IN PLAN A FOR CERTAIN PURPOSES.
 2. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD SUBJECT BY THE COMMISSIONER OF THE LANDS, THE OWNERS HAS COMPLIED THAT NO PART BEAR UNLIT, UNCEDED OR UNRESERVED AS SUBJECT OF ADEQUATE TO SUPPORT ANY OTHER DEVELOPMENT, ALSO THE OWNERS HAS COMPLIED TO THE BEST OF HIS KNOWLEDGE THAT THERE WERE NO OTHER DEVELOPERS OR PROPERTY OWNERS WHOSE INTERESTS WERE AFFECTED BY THE PROPOSED DEVELOPMENT.
 3. DEVELOPER AT DESIGNER'S DISCRETION THAN THOSE ALLOWED BY ZONING WILL NOT TAKE PLACE WITH PUBLIC UTILITIES AND SETBACKS. THE DOES NOT INCLUDE THE PROPERTY BEING FULLY DEVELOPED IN A MANNER COORDINATE WITH THE ZONING COMMISSIONER'S NOTE WHICH WILL NOT CONFLICT WITH THE ZONING COMMISSIONER'S NOTE WHICH APPLIES TO THE REDEMPTION, DEVELOPER PORTION OF THE SITE (LEAST ACRES).



GENERAL NOTES

1. ALL UTILITIES SHOWN ON THIS PLAN ARE BASED ON RECORD PLANS AND FIELD SURVEY.
2. ALL UTILITIES SHOWN ON THIS PLAN ARE BASED ON RECORD PLANS AND FIELD SURVEY.
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30. ALL UTILITIES SHOWN ON THIS PLAN ARE BASED ON RECORD PLANS AND FIELD SURVEY.

REVISIONS:

NO.	DATE	DESCRIPTION
1	10/1/07	ISSUED FOR PERMITTING
2	10/1/07	ISSUED FOR PERMITTING
3	10/1/07	ISSUED FOR PERMITTING
4	10/1/07	ISSUED FOR PERMITTING
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28	10/1/07	ISSUED FOR PERMITTING
29	10/1/07	ISSUED FOR PERMITTING
30	10/1/07	ISSUED FOR PERMITTING

PETITIONERS EXHIBIT 5

DESIGNED BY: J.E.K.
 DRAWN BY: J.E.K./J.A.K.
 CHECKED BY: J.E.K./J.A.K.
 APPROVED BY: J.E.K./J.A.K.

DATE: 10/1/07
 SCALE: 1" = 100'

DEPARTMENT OF PERMITTING AND INSPECTION
 BALTIMORE, MARYLAND

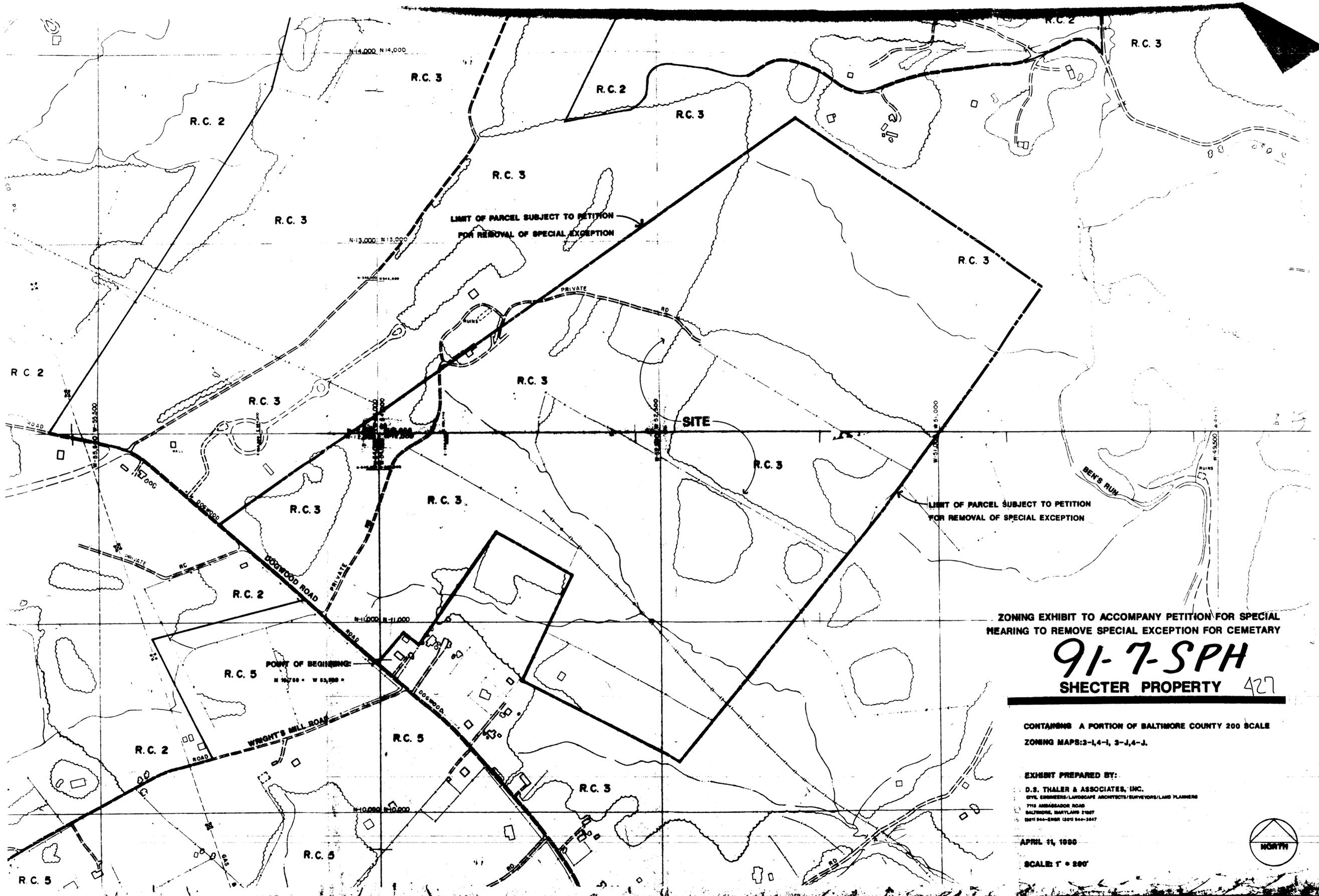
OWNER / DEVELOPER
 KOREN REALTY CORPORATION
 ATTN: C. WAYNE CAPLES
 SUITE 207, ONE CENTRE PARK DRIVE
 COLUMBIA, MARYLAND 21046
 (301) 746-1010

C.R.G. PLAN
 BALTIMORE COUNTY, MD.

SHECTER PROPERTY
 ELECTION DISTRICT No. _____ PUBLIC SERVICES C.R.A. No. 10005 PLANNING No. II-446

D.S. THALER & ASSOC., INC.
 CIVIL ENGINEERS SURVEYORS
 LANDSCAPE ARCHITECTS LAND PLANNERS
 7718 AMBASSADOR ROAD
 BALTIMORE, MD. 21207
 (301) 844-2647

DST & A
 SHEET No. 05



ZONING EXHIBIT TO ACCOMPANY PETITION FOR SPECIAL HEARING TO REMOVE SPECIAL EXCEPTION FOR CEMETARY

91-7-SPH

SHECTER PROPERTY 427

CONTAINS A PORTION OF BALTIMORE COUNTY 200 SCALE ZONING MAPS: 3-1,4-1, 3-J,4-J.

EXHIBIT PREPARED BY:
D.S. THALER & ASSOCIATES, INC.
 CIVIL ENGINEERS/LANDSCAPE ARCHITECTS/SURVEYORS/LAND PLANNERS
 7715 AMBASSADOR ROAD
 BALTIMORE, MARYLAND 21287
 (301) 944-8888 (301) 944-3847

APRIL 11, 1990

SCALE: 1" = 200'



PETITION FOR SPECIAL EXCEPTION * BEFORE THE
 SECOND ELECTION DISTRICT * ZONING COMMISSIONER
 FIRST COUNCILMANIC DISTRICT * OF BALTIMORE COUNTY
 ALAN SHECTER, ET AL * CASE NO. 91-7-SPH
 KOREN REALTY CORPORATION *
 PETITIONERS *

RETURN OF PRIVATE PROCESS SERVER

I, the undersigned hereby certify that I executed service of process upon Susan Farinetti, Supervisor, Water and Sewer Department, Department of Environmental Protection and Resource Management, by delivering and leaving a copy of the subpoena issued by this Court on Wednesday, November 28, 1990. I further certify that I am over eighteen years of age and am not a party to this action. I do solemnly declare and affirm under the penalties of perjury that the matters and facts set forth herein are true and to the best of my knowledge, information and belief.

Barbara A. White
 Barbara A. White

PETITION FOR SPECIAL HEARING * BEFORE THE
 SECOND ELECTION DISTRICT * ZONING COMMISSIONER
 FIRST COUNCILMANIC DISTRICT * OF BALTIMORE COUNTY
 ALAN SHECTER, ET AL * CASE NO. 91-7-SPH
 KOREN REALTY CORPORATION *
 PETITIONERS *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the Zoning Commissioner of Baltimore County at the hearing for the matter captioned above on Friday, November 30, 1990 at 9:30 a.m. in Room 106, located at the County Office Building and continuing thereafter if necessary for such witness' testimony and as scheduled by the Zoning Commissioner.

Witness: Susan Farinetti, Supervisor
 Water and Sewer Department
 Department of Environmental
 Protection and Resource
 Management
 Address: 401 Bosley Avenue
 County Courts Building
 Towson, Maryland 21204

Robert A. Hoffman
 Robert A. Hoffman, Esquire
 Venable, Baetjer and Howard
 210 Allegheny Avenue
 P. O. Box 5517
 Towson, Maryland 21204
 (301) 823-4111

Private Process Server: Please process in accordance with Zoning Commissioner's Rule IV(c).

J. Robert Haines
 J. Robert Haines
 Zoning Commissioner of
 Baltimore County

PETITION FOR SPECIAL HEARING * BEFORE THE
 SECOND ELECTION DISTRICT * ZONING COMMISSIONER
 FIRST COUNCILMANIC DISTRICT * OF BALTIMORE COUNTY
 ALAN SHECTER, ET AL * CASE NO. 91-7-SPH
 KOREN REALTY CORPORATION *
 PETITIONERS *

RETURN OF PRIVATE PROCESS SERVER

I, the undersigned hereby certify that I executed service of process upon William W. Ensor, Jr., Department of Environmental Protection and Resource Management, by delivering and leaving a copy of the subpoena issued by this Court on November 21, 1990. I further certify that I am over eighteen years of age and am not a party to this action. I do solemnly declare and affirm under the penalties of perjury that the matters and facts set forth herein are true and to the best of my knowledge, information and belief.

Barbara A. White
 Barbara A. White

PETITION FOR SPECIAL HEARING * BEFORE THE
 SECOND ELECTION DISTRICT * ZONING COMMISSIONER
 FIRST COUNCILMANIC DISTRICT * OF BALTIMORE COUNTY
 ALAN SHECTER, ET AL * CASE NO. 91-7-SPH
 KOREN REALTY CORPORATION *
 PETITIONERS *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the Zoning Commissioner of Baltimore County at the hearing for the matter captioned above on Friday, November 30, 1990 at 9:30 a.m. in Room 106, located at the County Office Building and continuing thereafter if necessary for such witness' testimony and as scheduled by the Zoning Commissioner.

Witness: William W. Ensor, Jr.
 Department of Environmental
 Protection and Resource
 Management
 Address: 401 Bosley Avenue
 County Courts Building
 Towson, Maryland 21204

Robert A. Hoffman
 Robert A. Hoffman, Esquire
 Venable, Baetjer and Howard
 210 Allegheny Avenue
 P. O. Box 5517
 Towson, Maryland 21204
 (301) 823-4111

The witness named above is hereby ordered to appear before the Zoning Commissioner of Baltimore County.

J. Robert Haines
 J. Robert Haines
 Zoning Commissioner of
 Baltimore County

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
 NW Corner Dogwood Rd., 170' : OF BALTIMORE COUNTY
 NWly Wrights Mill Rd., :
 2nd Election District :
 1st Councilmanic District :
 ALAN SHECTER, et al., : Case No. 91-7-SPH
 Petitioners :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

RECEIVED
 SEP 4 1990
 ZONING OFFICE

Phyllis Cole Friedman
 Phyllis Cole Friedman
 People's Counsel for Baltimore County

Peter Max Zimmerman
 Peter Max Zimmerman
 Deputy People's Counsel
 Room 304, County Office Building
 Towson, Maryland 21204
 687-2188

I HEREBY CERTIFY that on this 4th day of September, 1990, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, 210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioner; and Steven Koren, President, Koren Realty Corp., One Center Park Drive, Suite 207, Columbia, MD 21045, Contract Purchaser.

Peter Max Zimmerman
 Peter Max Zimmerman

March 7, 1990
 DESCRIPTION OF THE SHECTER PROPERTY
 SECOND ELECTION DISTRICT
 BALTIMORE COUNTY, MARYLAND

Beginning at a point in the center of Dogwood Road, approximately 170 feet northwesterly from its intersection with the centerline of Wrights Mill Road; thence, the following fourteen (14) courses and distances;

1. North 48 30'00" West 1185.00 feet to a point;
2. North 59 01'02" East 3819.21 feet to a point;
3. South 56 00'00" East 1580.00 feet to a point;
4. South 85 00'00" East 21.45 feet to a point;
5. South 38 40'00" West 1448.70 feet to a point;
6. South 42 30'00" West 1353.00 feet to a point;
7. South 42 30'00" West 378.05 feet to a point;
8. North 58 00'00" West 924.00 feet to a point;
9. North 56 30'00" West 97.30 feet to a point;
10. North 28 30'00" East 802.25 feet to a point;
11. North 55 30'00" West 455.40 feet to a point;
12. South 40 29'00" West 740.00 feet to a point;
13. North 43 25'00" West 100.80 feet to a point;
14. South 40 00'00" West 200.00 feet to the point

of beginning.
 Containing 168.14 acres of land, more or less.
 This description comes from a plat of surveying information, and does not represent an actual survey.



CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 2nd Date of Posting: August 8, 1990
 Posted for: Special Hearing
 Petitioner: Alan S. Spector, et al.
 Location of property: N.W. Corner Dogwood Road, 170' NWly Wrights Mill Road
 Location of Sign: North side of Dogwood Road, approx. 200' feet northwesterly of Wrights Mill Road
 Remark: _____
 Posted by: S.J. Crater Date of return: August 17, 1990
 Number of Signs: 1

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 2nd Date of Posting: November 8, 1990
 Posted for: Special Hearing
 Petitioner: Alan S. Spector, et al.
 Location of property: N.W. Corner Dogwood Road, 170' NWly Wrights Mill Road
 Location of Sign: N.E. of Dogwood Road, approx. 250' N.W. of Wrights Mill Road
 Remark: _____
 Posted by: S.J. Crater Date of return: November 9, 1990
 Number of Signs: 1

Baltimore County
 Zoning Commissioner
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

Account: R-001-4150
 No 2649

Date: 8/3/90 H900427 pd
 PUBLIC HEARING FEES QTY PRICE
 SPECIAL HEARING FEE 1 \$75.00
 TOTAL: \$75.00

LAST NAME OF OWNER: SHECTER
 Check from Venable, Baetjer and Howard
 #036467

8 015*****17500:8 8048F
 Please make checks payable to: Baltimore County

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING
 The Zoning Commissioner of Baltimore County, by authority of the Charter and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
 Petition for Special Hearing
 Case number: 91-7-SPH
 Subject: Dogwood Road, NWly Wrights Mill Road
 2nd Election District
 1st Councilmanic District
 Alan Spector, et al.
 Koren Realty Corporation
 Hearing Date: Wednesday, Sept. 5, 1990 at 2:00 p.m.
 Special Hearing: The removal of the Special Exception allowing the use of the property as a cemetery.
 In the event that this hearing is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will meet for a regular meeting on September 11, 1990 at 7:00 p.m. in Room 106 of the County Office Building. The public is invited to attend and be heard in the office by the date of the hearing or at a public hearing if one is held.

TOWSON, MD., 8/10, 1990
 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 2 successive weeks, the first publication appearing on 8/11, 1990

THE JEFFERSONIAN,
Robert Orleans
 Publisher

RD. 106004
 \$ 80.46

CERTIFICATE OF PUBLICATION

Pikeville, Md., 8/11 19 90

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikeville, Baltimore County, Maryland before the 2nd day of August 19 90

the first publication appearing on the 1st day of August 19 90
the second publication appearing on the 4th day of August 19 90
the third publication appearing on the 11th day of August 19 90

THE NORTHWEST STAR

Manager Jon Beck

Cost of Advertisement \$32

LEGAL NOTICE
Baltimore County Zoning Commissioner
NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County...

Baltimore County Zoning Commissioner
Receipt
Account: R 001 6150
Number: 3337
Date: 91-7
PURELY HEARING FEE 217
POSTING CHARGES ADVERTISING 17 419.96
LAST NAME OF OWNER: SCHLITTE

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner
Alan Spector, et al
2303 N. Charles Street
Baltimore, Maryland 21218
Petition for Special Hearing
CASE NUMBER: 91-7-SPH
NWC Dogwood Road, 170' N.W. Wrights Mill Road
2nd Election District - 1st Councilmanic
Legal Owner(s): Alan Spector, et al
Contract Purchaser(s): Koren Realty Corporation
HEARING: WEDNESDAY, SEPTEMBER 5, 1990 at 2:00 p.m.
Dennis F. Rasmussen
County Executive

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner
Dennis F. Rasmussen
County Executive
July 12, 1990
NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Petition for Special Hearing
CASE NUMBER: 91-7-SPH
NWC Dogwood Road, 170' N.W. Wrights Mill Road
2nd Election District - 1st Councilmanic
Legal Owner(s): Alan Spector, et al
Contract Purchaser(s): Koren Realty Corporation
HEARING: WEDNESDAY, SEPTEMBER 5, 1990 at 2:00 p.m.
Special Hearing: The removal of the Special Exception allowing the use of the property as a cemetery.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. Robert Haines
Zoning Commissioner of Baltimore County
cc: Alan Spector, et al
Koren Realty Corporation
Robert A. Hoffman, Esq.

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner
October 18, 1990
NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Petition for Special Hearing
CASE NUMBER: 91-7-SPH
NWC Dogwood Road, 170' N.W. Wrights Mill Road
2nd Election District - 1st Councilmanic
Legal Owner(s): Alan Spector, et al
Contract Purchaser(s): Koren Realty Corporation
HEARING: FRIDAY, NOVEMBER 30, 1990 at 9:30 a.m.
Special Hearing: The removal of the Special Exception allowing the use of the property as a cemetery.
Dennis F. Rasmussen
County Executive
J. Robert Haines
Zoning Commissioner of Baltimore County
cc: See attached copies forwarded.

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner
August 24, 1990
Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, MD 21204
Dennis F. Rasmussen
County Executive
RE: Item No. 427, Case No. 91-7-SPH
Petitioner: Alan Spector, et al
Petition for Special Hearing
Dear Mr. Hoffman:
The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.
IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.
Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee
JED:jw
Enclosures
cc: Mr. Alan Spector
Mr. Steven Koren

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner
Your petition has been received and accepted for filing this 20th day of June, 1990.
J. Robert Haines
Zoning Commissioner
Received By:
James E. Dyer
Chairman,
Zoning Plans Advisory Committee
Petitioner: Alan Spector, et al
Petitioner's Attorney: Robert A. Hoffman

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 406
Townson, Maryland 21204
(301) 887-3554
June 27, 1990
Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Townson, Maryland 21204
Dennis F. Rasmussen
County Executive
Item No. 427
Property Owner: Alan Spector
Contract Purchaser: Koren Realty Corp.
Location: Dogwood Road, 170 ft. N.W. of Wrights Mills Road.
Z.A.C. June 26, 1990
Existing Zoning: R.C. - 3
Proposed Zoning: Special Hearing to remove Special Exception for a cemetery.
Area: 166.14 acres
District: 2nd Election 1st Councilmanic
Dear Mr. Haines:
Please see the C.R.G. comments for this site.
Very truly yours,
Michael S. Flanigan
Traffic Engineer Associate II
MSP/lw
RECEIVED
JUN 28 1990
ZONING OFFICE

SUBJECT: COUNTY REVIEW GROUP COMMENT
FROM: OFFICE OF PLANNING AND ZONING DATE: May 18, 1990
PROJECT NAME: Shecter Property Continued Meeting 2:30 P.M. PLAN
PROJECT NUMBER: VIII-566

This plan proposes construction of 48 single family homes and parcel "A" situated on 166.14 acres 2 of land zoned RC 3. The site is located on the northeast side of Dogwood Road and on the east side of Kratz Lane.

- 1. This property is encumbered by a special exception use as described in zoning case #5081 XA. The Office of Planning and Zoning will not recommend final action on this CRG plan prior to the Zoning Commissioner's approval of a reduced special exception area that releases the subject tract from the special exception use.
2. This proposed development is in close proximity to active agricultural operations. It is the developers responsibility to advise future homeowners that agriculture has a preferred use status and that odors, noise, dust, farm equipment, livestock operations and agricultural chemicals (pesticides, fertilizer, herbicides and other control agents) may be in active use.
3. Because the portion of the site which includes Lots 1 to 15 contains little or no natural vegetation, this office recommends compliance with the following minimum standard established by Section IX 8.1.a. of the Baltimore County Landscape Manual: Street trees are recommended to be planted at 40 foot intervals along all public roads within this section.
4. The lots fronting on Dogwood Road should have use in common driveways in order to consolidate points of access.

A:CRG66.txt

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines Zoning Commissioner DATE: August 2, 1990
FROM: Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Alan Shecter, et al., Item No. 427

The Petitioners request a Special Hearing for the removal of the special exception allowing the use of the property as a cemetery.

In reference to the Petitioners' request, staff offers the following comments:

- The proposed project was subject to a CRG hearing (VIII-566) which was continued pending the outcome of the instant case.
- The Office of Planning and Zoning provided comments at the above-mentioned CRG; these comments are offered for the Zoning Commissioner's review. (See attached)

Should the Petitioners' request be granted, staff recommends a fence be erected between the cemetery and the proposed residential subdivision. Said fence should meet the approval of the community.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm Attachment (1)

ITEM427/ZAC1

MS 08 1990

SUBJECT: COUNTY REVIEW GROUP COMMENTS CRG DATE: 5/18/90 (Continued from 3/8/90) PRE-CRG DATE: 5/7/90

FROM: ZONING OFFICE

PROJECT NAME: Shecter Property PLAN: 4/17/90 REV.: 5/7/90 REV.:

LOCATION: W/S Dogwood Road opposite Wrights Mill Road

DISTRICT: 2c1

REVISED PLAN KEY: (X) COMPLIANCE WITH COMMENT CHECKED (O) NON-COMPLIANCE IS CIRCLED (BA) BE ADVISED (NOT NECESSARY FOR CRG APPROVAL, BUT MUST BE ADDRESSED PRIOR TO FINAL ZONING APPROVAL) ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

The plan has been reviewed by this office for general compliance with the Baltimore County Zoning Regulations. The following comments identify at least one obvious conflict with the Baltimore County Zoning Regulations and other details necessary in order to determine compliance with these regulations. When these standard and nonstandard details and information is available or provided, it shall be the responsibility of the owner, developer or developer's engineer to rectify all conflicts well in advance of any expected zoning approvals. The intent of the developer must be clear on the C.R.G. plan and any zoning conflicts must be identified conspicuously on the plan under "Zoning Public Hearing Requests".

- 1. HISTORY - ZONING HEARING REQUIRED -- The current zoning of the subject property is R.C.-3 with a special exception in place on the property for a cemetery. The special exception granted on 10/31/60, Case #5081-X, by then Deputy Zoning Commissioner, must be amended and removed from this property by a public special hearing before the Zoning Commissioner prior to zoning approval of any other use. Provide a reduced scale plan of the original overall cemetery property and show the 50/166 acre split. Expand note 422 and reference the previous zoning hearing, what was granted and the date conspicuously on the plan. (See comment 31 made on 3/8/90.)
2. DENSITY/AREA - CEMETERY USE -- Provide accurate gross and net area calculations in compliance with the following: Net Area = the entire overall tract/ownership area (excluding any existing public street right-of-way; that the Area = the net area plus 1/2 of the tract boundary street right-of-way that the property is not denied access to, up to a maximum of 30 feet (see zoning policy RSD-3).

COUNTY REVIEW GROUP COMMENTS
PROJECT NAME: Shecter Property
CRG DATE: 5/18/90
PRE-CRG DATE: 5/7/90
PAGE 2

Use the gross development area in the density calculation, clearly indicating the source of the additional calculated area over and above the net area. Note on the plan under the density calculation: "THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT BY THE OWNERSHIP SHOWN SINCE THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS. ALSO, THE OWNER AND DEVELOPER'S ENGINEER HAS CONFIRMED THAT THERE NEVER WAS A CEMETERY USE ESTABLISHED ON THE PROPERTY NOR ANY GRAVESITES EVER LOCATED ON THE PROPERTY". If a cemetery use exists or there are graves on-site, this area must be subtracted from the available gross acreage available to compute permitted density. Confirm that the Consolidated Gas and Electric right-of-way is owned in fee by the owner/developer and that the area was included in the gross acreage. NOTES: "RESIDUAL" CONSECUTIVELY UNDER ALL PARCEL "TV" DESIGNATIONS and amend "Parcel A density note". Correct R.C.-5 to R.C.-3 and reword the last 2 lines to "FUTURE DEVELOPMENT PLANS ON THE "RESIDUAL" PARCEL A PORTION OF THE PROPERTY (119.47 ACRES) WILL NOT CONFLICT WITH THE "ZONING COMMISSIONER'S NOTE" WHICH APPLIES TO THE DENSITY SELF-SUFFICIENT, DEVELOPED PORTION OF THE PLAN (46.67 ACRES)."

BA

BA

BA

ADDITIONAL FOR THE 5/7/90 PLAN

- 5. The zoning office will only approve a CRG plan that includes all zoning notes CLEAR, BOLD, AND LEGIBLE.

W. CARL RICHARDS, JR.
Zoning Coordinator

WCR:scj

INTER-OFFICE CORRESPONDENCE
JUNE 22, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES C. E. B.

SUBJECT: ZONING ITEM #: 427
PROPERTY OWNER: Alan Shecter, et al/ Contract Purchaser: Koren Realty Corp.
LOCATION: W/S Dogwood Rd., 170' W/Sly Wrights Mill Rd R. C. -3.
ELECTION DISTRICT: 2nd
COUNCILMANIC DISTRICT: 1st

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
() PARKING LOCATION () RAMPS (degree slope)
() NUMBER PARKING SPACES () CURB CUTS
() BUILDING ACCESS () SIGNAGE
() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
(X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).
() OTHER - NO ADDITIONAL COMMENTS

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHEESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: July 6, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for June 26, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 221, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, and 438

For Item 427, the previous County Review Group comments still apply.

Robert W. Bowling
ROBERT W. BOWLING, P.E. CHIEF
Developers Engineering Division

RWB:s

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21284-5300
(801) 887-4500

Paul H. Reincke
Chief

JUNE 27, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ALAN SHECTER
Location: NWC DOGWOOD ROAD
Item No.: 427 Zoning Agenda: JUNE 26, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved [Signature]
Planning/Grp/Fife Prevention
Special Inspection Division

JK/KEK

JL 05 1990

Greenhorne & O'Mara, Inc.
MAIN OFFICE • 9001 EDMONSTON ROAD • GREENBELT, MD. 20770 • (301) 982-2800
ENGINEERS ARCHITECTS PLANNERS SCIENTISTS SURVEYORS PHOTOGRAMMETRISTS

October 17, 1990

Mary Lou Dorsey Butler
1701 1/2 N. Ellamont Street, Apt. 10
Baltimore, MD. 21216

Dear Ms. Butler:

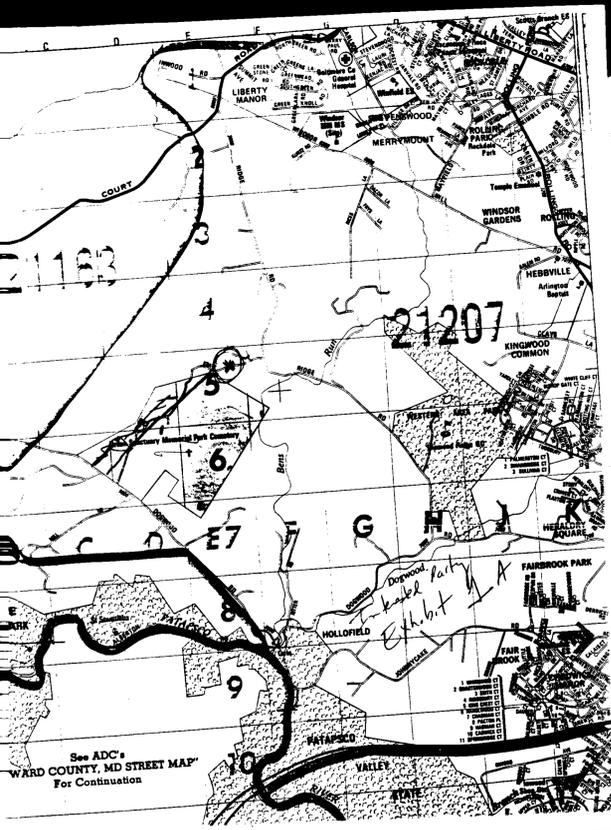
I understand you testified in zoning hearings for the Shecter property, near the Martin Luther King Memorial Cemetery, in Baltimore County. I was told you had some information on a possible Black slave Cemetery. I have been engaged by Koren Realty Corporation to try to determine if the cemetery is on the property, and, if so, to develop measures to protect the cemetery.

I would like to get together with you to talk about your information, to help me in locating this important cemetery. Could you please call me at (301) 982-2800, during the day, or at home in the evenings before 10:00 at (301) 444-7819. I live in Baltimore, so if you call me at home it should be a local call. I also enclosed a self addressed stamped envelope in case you prefer to write me to give me a phone number where I can reach you, or suggest another method of getting in touch with you.

I look forward to talking with you. Both my client and I are very concerned that we not inadvertently allow any damage or disrespect to this cemetery, if it is on the property.

Sincerely,
Joseph W. (Jody) Hopkins, III
Senior Environmental Scientist

ANNAPOLIS, MD • ATLANTA, GA • AURORA, CO • BALTIMORE, MD • CULPEPER, VA • DULUTH, GA • EXPORT, PA
FAIRFAX, VA • FREDERICKSBURG, VA • GREENBELT, MD • LEESBURG, VA • MANASSAS, VA • ORLANDO, FL
RALEIGH, NC • ROCKVILLE, MD • TAMPA, FL • WASHINGTON, MD • WEST PALM BEACH, FL



Soldiers Delight Hundred 1798 Tax List

WALTERS, Jacob (18 slaves); 478A; pt Plains of Parran Res.; hewd log dwg hse * 1 stry, hly roof; 21x18 with plaza 21x12, by add. of shed 21x12; hse, 1 stry, 20x16; round log corn hse, 12x10; round log negro stry, 40x18, by add. of shed 30x10; old log smiths shop 18x18; WELLS, Charles; 198A; by add. of shed 24x10; round log dwg hse, 1 stry, 24x18; pt Good Will & William's Resurveyed; hewd log dwg round log kn 14x12; WILLIAMS, Ann; 93A; hewd log dwg hse, 1 stry, 20x16; by add. of shed 20x10; WELLS, Benjamin; 424A; pt Airy Hills & Pleasant Springs; log stble, hewd log 46x20; log stble 18x12; log hse 12x10; WEAVER, Christian; Occupant: Michael ELDER; 10A; pt Falls Forrest; hewd log dwg hse * 2 stry, 24x16, by add. of hewd log shed 24x10; log stble 24x12; horse shed 40x10; WONG, Edward; 100A; pt Wons Chance Res. & pt of other tracts; round log dwg hse, 1 stry, 22x16; round log kn 16x14; round log stble 16x12; WRIGHT, Jacob (2 slaves); 114A; Carters Choice & pt Wester Ogle; log dwg hse, 1 stry, 16x16; WALKER, Charles; 522A; pt Harrison's Meadows & Tom's Choice; on Harrison's barn thatched, 60x24; log stble 28x12; log poultry hse, 10x10; WORTHINGTON, Thomas (52 slaves); 5058A; pt East Lothan and pt of sundry stble 50x10; stone dwg hse * 2 stry, 39x33, by add. of stone, 1 stry, 33x30; stone smoke hse, 1 stry, 16x15; stone milk hse, 1 stry, 18x14; log poultry hse, 1 stry, 18x12; log poultry hse, 1 stry, 12x10; Occupant: John WORTHINGTON; hewd log dwg hse, 1 stry, 28x25; round log smoke hse, 1 stry, 14x12; round log kn, 1 stry, 28x14; round log smoke hse, 32x16; hewd log barn 32x20; log hse 20x10 with fr shed 20x12; round log tobacco hse, 30x20; fr barn 30x20; round log dwg hse, 1 stry, 24x20; round log log dwg hse 18x16; hewd log dwg hse 20x16; round log kn 18x14; Occupant: John LEE; fr dwg hse 20x18; Occupants: John LIGGETT, Charles LEWIS, William HEMINGS; John LEE; round log dwg hse 30x16; log barn 40x20; log hse 24x12; log dwg hse 18x16; fr dwg hse 24x20; Occupant: BAILEY, Joseph WHISSEN, Joseph DAW; hewd log dwg hse 16x16; round log hse 16x16; round log dwg hse 22x18; round log dwg hse 16x16; log barn 24x20; log dwg hse 20x16; log dwg hse 16x14

Intruded Party 1B

AC

20

Ms. Elizabeth J. Cole
Maryland Historical Trust
21 State Circle
Annapolis, Maryland 21401
Tel: (410) 326-7211

May 15, 1990



Re: Log Structure in Patapsco Area of Baltimore County

Dear Ms. Cole:
Thank you for the recent letter in which you offered the Trust's assistance towards preserving the above-referenced structure. We are excited about the project.

Enclosed are maps we feel will facilitate your review. Included, also, is preliminary research done by John McGrain of our staff on the Worthington family. The log structure is located on the former estate of this once prominent Baltimore County family. I hope you find the information helpful. You may contact Bill Hughey at 887-3480 for additional help from this office.

Thank you again for your response and interest.

Sincerely,
Duff Fields
Director

PDF/cmm
cc: Tim Dugan
John McGrain
Joan Morrissey Ward
William Hughey

1E



Mr. P. David Fields, Director
Baltimore County Office of Planning and Zoning
County Courts Building, Suite 406
401 Bosley Avenue
Towson, Maryland 21204

May 9, 1990

1F

Re: Log Structure in Patapsco Area
Baltimore County, Maryland

Dear Mr. Fields:

Thank you for your recent letter notifying us of the above-referenced historic property and requesting emergency assistance and technical advice on stabilization. The log structure, a possible slave barracks, may potentially be a highly significant historic and archeological resource. We appreciate Baltimore County's interest in preserving and protecting this historic site. The Trust is happy to provide technical advice regarding the property and explore emergency funding options, as feasible.

In order to facilitate our review, we request a map location of the structure. Once we have received this information, we will examine our records for any available data on the property. At that time, we will coordinate a site visit with pertinent members of our staff.

If you have questions or require further information, please call me at (301) 974-5007.

We look forward to working with you on this project.

Sincerely,
Elizabeth J. Cole
Administrator
Archaeological Services
Office of Preservation Services

EJC/lm
cc: Mr. William Hughey
Mr. Tim Dugan
Mr. John McGrain
Ms. Charisty Davidson



Department of Housing and Community Development
State House, 21 State Circle, Annapolis, Maryland 21401 (301) 974-5000

Bill-----

The slave quarters farm belonged to Rezin Hammond Worthington who is shown as owner on the maps of 1850 and 1877.

He died in 1884 and there were a number of lawsuits that resulted in dividing the parcels in three. A witness, J.D. O'Dell, reported that there were "improvements consisting of log tenements, the Dwelling House was burnt sometime ago." (April 8, 1885). The area we are interested in was part of the portion allotted to Annie H. Love, wife of James H. Love, in 1886.

This is probably the Worthington property on the 1798 tax list.

John McG.

Baltimore County
Office of Planning & Zoning
County Courts Building, Suite 406
401 Bosley Avenue
Towson, Maryland 21204
(301) 387-3211

P. David Fields
Director

April 6, 1990



Mr. J. Rodney Little
State Historic Preservation Officer
Maryland Historical Trust
45 Calvert Street
Annapolis, Maryland 21401

Dear Mr. Little:

Recently, the Baltimore County Office of Planning and Zoning started preliminary work on an Open Space Plan for the Patapsco area of Baltimore County. While on a field trip to the area, staff "rediscovered" a very isolated site that some local residents had informed us about months earlier. The site contains a large log structure (about 35' X 20') with twin, stone fireplaces. The log frame is approximately twenty-five percent intact. The stone chimneys (about 20' high) are still standing, but precariously. Each fireplace has impressive granite mantels. One is dislodged, the other intact.

The tradition among local residents is that the structure was a two-story slave barracks which housed 100 slaves. We are not immediately aware of any documentation to substantiate this astounding claim, but it seems plausible. If correct, it would certainly constitute a singularly significant element of Afro-American history in Maryland. The slaves reportedly belonged to the Worthington family, a historically prominent name in Baltimore County.

Because the site appears to be of such historical significance and shows no signs of vandalism, but is deteriorating, Baltimore County is very interested in obtaining emergency assistance to stabilize the structure. Advice on timber and stone preservation is also requested. We would like to discuss the possibility of archaeological studies as well, since the local tradition also is that the site has not been disturbed.

Mr. J. Rodney Little
Page 2
April 6, 1990

If you believe that a preliminary site visit is warranted, planning staff would be happy to make arrangements; please contact Bill Hughey at 887-3480.

Sincerely,
Duff Fields
P. David Fields
Director

PDF/WPH/cmm
cc: Tim Dugan
William P. Hughey /
John W. McGrain
Lenwood Johnson

Cemetery proposed for development Patapsco whodunit plods on

Lyme Hooper will never open for a property tax exemption. His explanation for the lack of burial in the cemetery land — which is named the Green Sanctuary Memorial Park Cemetery in some county street map books — was that he simply misjudged the market demand for cemetery space.

Hooper has agreed to arrange to walk with Griffith through the part of the parcel where slave graves are reported to be to search for signs of graves.

The developer wants to build 40 single-family homes on the parcel, which is west of Diamond Ridge Golf Course. Its western end is bordered by Dogwood Road and it extends north to Pine Run.

At the CRU meeting, the residents expressed impatience that Hooper had been so slow to correct the mistake, by not having the land designated as a cemetery without actually using it as one.

But Hooper, who did not attend the CRU meeting, insisted that he and the partnership which jointly own the parcel, including the land's original owner, had done everything possible to correct the error over the year of ownership and

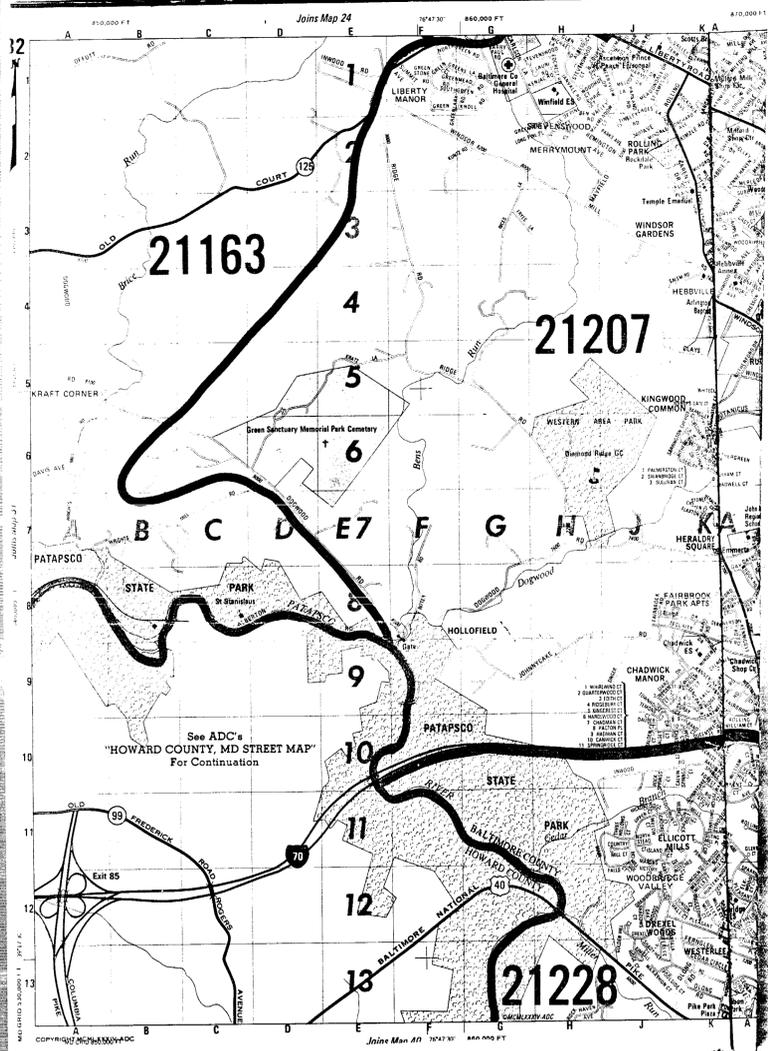
Modern graves are not the only possible graves... Local folklore has it that the parcel is the site of an old, slave graveyard.

Another member of the Greater Patapsco Community Association said the county zoning commission removed the special exception granted for the cemetery. The CRU also wanted to make sure that no one would be able to buy the land.

After the meeting, Griffith said he would be back in the area next week to look for signs of graves.

Griffith said he would be back in the area next week to look for signs of graves.

Two workers injured in



OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

DATE: 11/1/80

Bowling, Inc.
301 Old Town Bank Bldg.
Baltimore 2, Md.

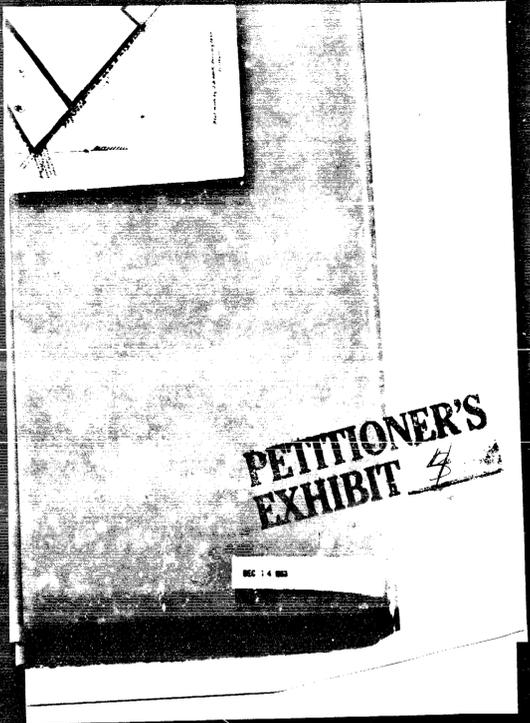
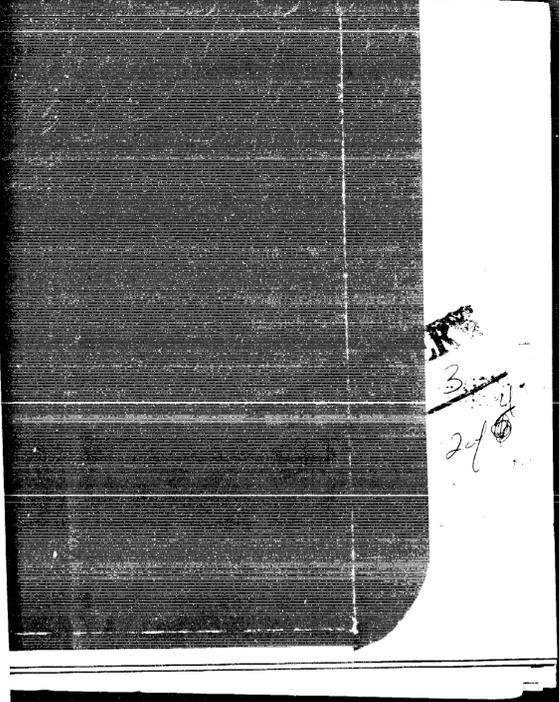
ACCOUNT NO. 01622

Advertising and signs - Hoisting Inc.

TOTAL DUE
\$ 40.00

PAID
\$ 0.00

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.



PETITIONER'S EXHIBIT 6

JOSEPH W. HOPKINS, III
Senior Archaeologist

Ph.D., Anthropology, University of Chicago, 1974
M.A., Anthropology, University of Chicago, 1968
B.A., Anthropology, University of Pennsylvania, 1965

PROFESSIONAL BACKGROUND

1988 to Present: Greenhorne & O'Mara, Inc., Cultural Resources
1987 to 1988: Environmental Specialist (Archeology) Maryland Department of Transportation, State Highway Administration, Environmental Management Section
1986: Archeologist, for Norma Wagner, Consulting Archeologist for Phase I and Phase II investigations
1984 to 1986: Archeologist, Historic Annapolis, Inc., Supervising excavations, background research, report writing, and grant writing
1985: Field Assistant, Maryland Geological Survey, Excavations on a 19th century farmhouse in southern Calvert County, Maryland
1976 to 1984: Cultural Resources surveys for various government agencies and private engineering firms in Southwestern Oregon and Northern California
1968 to 1970: Ph.D. Research, Culcatlan, Oaxaca, Mexico
1966: M.A. Research under Pedro Armillas in the Valley of Mexico
1965 to 1966: Lab Assistant, Walker Museum, University of Chicago, Analysis of Mousterian Material
1965: Expedition Photographer, Winchester Excavations Committee, Winchester Hants, England
1965: Lab Research for the B.A. Honors Thesis, "The Braden Branch Site, Tennessee"
1963, 1964: Field Assistant, TVA Salvage Excavations, Supervised by the University of Tennessee
1961, 1962, 1965: Laboratory Assistant, Anthropology Department, Frank H. McClung Museum, University of Tennessee

ORGANIZATIONS

American Anthropological Association
Society for American Archaeology
Society of Professional Archaeologists
Archeological Society of Maryland
Council of Maryland Archaeologists
Council for West Virginia Archaeology
Pennsylvania Archaeological Council

Greenhorne & O'Mara, Inc.
MAIN OFFICE • 906 EDMONSTON ROAD • GREENBELT, MD. 20770 • (301) 982-7800
ENGINEERS ARCHITECTS PLANNERS SCIENTISTS SURVEYORS PHOTOGRAMMETRISTS

November 27, 1990

Mr. Steven S. Koren
Koren Development Company, Inc.
One Centre Park Drive, Suite 207
Columbia, MD. 21045

Dear Steve:

The following is a letter report of the historical and archeological investigations of the Shecter property. A field investigation of the property was made. In addition, background research into historic records and maps was conducted for evidence of historic cemeteries in the vicinity of the property. The property was traversed by pedestrian survey. Field visits and archeological investigations were made at the locations of burials reported by Mr. Alan Shecter as having occurred between 1961 and 1983 on the property. No evidence was found for an earlier historic Black cemetery or any other grave sites on the property. It was determined that there is no evidence that burials occurred on the property between 1961 and 1983 on the property at the locations reported by Mr. Shecter. The methodology and results of the investigations that led to these conclusions are presented in detail below.

The Problem:

Mr. Alan Shecter obtained a special exception from the Zoning Commission of Baltimore County to develop a 219 acre parcel as a cemetery, in 1973. 50 acres of the 219 acres were sold and have continued to be used as a cemetery. This parcel is currently the King Memorial Park. On October 14, 1983, Mr. Shecter wrote the Zoning Commissioner, Mr. Arnold Jablon. In this letter Mr. Shecter stated that burials had been made on the property, and provided a map showing the location of five burials within the 169 acres remaining in his ownership (Figure 1). At that time, Mr. Shecter requested confirmation from the Zoning Commissioner that his special exception status still was applicable to the 169 acre portion of the property still in his ownership.

Subsequently Mr. Shecter stated that burials had only been made in the 50 acre parcel which is now the King Memorial Park. The remaining 169 acres were sold to Koren Development Company, Inc. In a zoning hearing Koren Development Company was asked to determine whether the 5 burials had in fact been made on the property they were developing. In addition, Ms. Mary Lou Dorsey Butler testified at the zoning commission meeting that "folklore" reported that there was a Black historic cemetery somewhere in the vicinity of the property, associated with the plantation of which the property was once part.

PETITION FOR SPECIAL HEARING BEFORE THE
SECOND ELECTION DISTRICT ZONING COMMISSIONER
FIRST COUNCILMANIC DISTRICT OF BALTIMORE COUNTY

ALAN SHECTER, ET AL
KOREN REALTY CORPORATION CASE NO. 91-7-SPH

PETITIONERS

AFFIDAVIT OF WILLIAM C. MARCH

I, William C. March, hereby declare and affirm as follows:

- I have personal knowledge of the matters and facts set forth in this Affidavit and am competent to testify thereto.
- I am a resident of Baltimore County, residing at 703 Hampton Lane, Towson, Maryland 21204.
- I am President of King Memorial Park, Inc., a Maryland corporation formed for the purpose of acquiring land and operating the King Memorial Park as described below.
- In 1973, King Memorial Park, Inc., purchased an option to acquire land from Robert W. Baker, et al.
- On June 7, 1976, King Memorial Park, Inc., purchased from Robert W. Baker, et al, fifty acres of land located in Baltimore County at 8710 Dogwood Road, Baltimore, Maryland 21207 now known as the King Memorial Park.
- I have been actively and continuously involved in the business of selling burial lots and performing burials at King Memorial Park from 1973 to the present.

Alan Shecter Realty Ventures

July 12, 1984

Re: Special Exception
Case #5801-VA

Honorable Arnold Jablon, Esq.
Zoning Commissioner
Baltimore County Office Building
Room 109
111 West Chesapeake Avenue
Towson, MD 21204

Dear Commissioner Jablon:

I am embarrassed to write to inform you of mistaken information that I communicated to you in a letter dated last October 14, 1983 concerning the above-referenced Baltimore County zoning case.

In my October 14, 1983 letter, I stated (mistakenly) that several burials had occurred at different times and in several locations on the site. I am writing to correct the October 14th letter. No burials have ever been made on the 169 acres remaining in my family's ownership. At one time, there was a plan to make such increments as I indicated but I have learned last week that that plan was not implemented.

Only one burial was made in the entire 219 acre tract, which apparently was all that was required under County zoning regulations to secure the special exception for cemetery. The approximate location of that burial is indicated on the enclosed plat. It took place in 1961.

Since your letter dated December 1, 1983 stated that "the sale of a portion of the cemetery does not affect the status of the Special Exception," it would not have been necessary to have more than that one burial to secure the special exception. Thus, I assume that this letter of correction of the facts does not alter the opinion expressed in your letter.

I did feel that I should correct the incorrect information previously given to you, for which I apologize. However, I assume no harm has been done.

With all best wishes,

Yours truly,
Alan Shecter

PETITIONER'S EXHIBIT 5

Loft Three
517 N. Charles Street
Baltimore, Maryland 21201
(301) 685-1033
Limited Partnership Investments
Real Estate Brokerage
Real Estate Exchanges
Property Management